

## UNITED STATE DEPARTMENT OF COMMERCE

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Washington, D.C. 20231

ATTORNEY DOCKET NO. FIRST NAMED INVENTOR FILING DATE 22091-701 APPLICATION NO. J SCHENK 01/05/00 EXAMINER 09/478,299 HM22/0526 MELLER . M PAPER NUMBER Г ART UNIT Emily M. Haliday McCutchen Doyle Brown & Enersen LLP Three Embarcadero Center 1651 San Francisco CA 94111-4066 DATE MAILED: 05/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks** 

The timely submission under 37 CFR 1.129(a) filed on 5/15/2000 is not fully responsive to the prior Office action because it did not address the election of species as set forth on page 3, lines 1-3 of the Office Action mailed 4/12/2000. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Any inquiries concerning this communication should be directed to Examiner Mike Meller at telephone number (703) 308-4230. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Wityshyn, can be reached at (703) 308-4743. The Fax phone number for the art unit is (703) 308-0294. Any inquiries of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Christopher Tate Patent Examiner